

or hereditaments, who shall be seized of the naked legal estate therein without having or being entitled to any beneficial interest or estate whatsoever in the said lands, tenements and hereditaments shall die the said legal estate shall be deemed and taken to have descended to such person or persons as would have been the heirs of such trustee at common law.

This section has no application where the trustee is entitled to a beneficial interest or estate. In such case, trust estate descends to heirs of trustee. Where legal estate descends to heirs, the trust is transmitted with it. *Duffy v. Calvert*, 6 Gill, 487.

This section held applicable, but not applied by reason of an implied disclaimer of the trust. *Dodge v. Dodge*, 109 Md. 168.

This section applied. *Latrobe v. Carter*, 83 Md. 287; *Druid Park, etc., Co. v. Oettinger*, 53 Md. 61; *Hawkins v. Chapman*, 36 Md. 95.

See notes to art. 16, secs. 35 and 97.

An. Code, sec. 29. 1904, sec. 29. 1888, sec. 29. 1820, ch. 191, sec. 7.

6. If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be hereby legitimated and capable in law to inherit and transmit inheritance as if born in wedlock.

This section sets out the only right of inheritance from the father given an illegitimate child by our statutes. This section referred to in deciding that illegitimate children were not entitled to workmen's compensation benefits—see notes to art. 101, sec. 65. *Scott v. Independent Ice Co.*, 135 Md. 348 (decided prior to the act 1920, ch. 456).

This section held to have been complied with and the appellant entitled to inherit from his father; proceedings under bastardy act held not to operate as estoppel; purpose and intent of this section. Policy of the law; cases reviewed. *Dilworth v. Dilworth*, 134 Md. 590.

The proviso at end of sec. 27, An. Code, 1912, does not alter this rule. Where nephews alone inherit, they take *per stirpes* and not *per capita*—see sec. 27, said Code. *McComas v. Amos*, 29 Md. 138.

Upon death of a woman intestate and without issue, her husband being dead, her real estate passes under this section to descendants of intestate's only sister of whole blood. Conversion. *Keller v. Harper*, 64 Md. 84.

While in general, if an heir conveys property away and it is then conveyed back to him, he thereafter holds property by purchase and not by descent, rule is different where heir unites with other heirs in conveying property which has descended to them, to a third party, who then conveys back whole property to said heir, such plan being adopted because heir was erroneously advised that his co-heirs could not convey directly to him. Hence in latter case the property or interest therein which descended to heir is held by him by descent, notwithstanding conveyance from and back to him, and in case of death of heir, such property or interest, in view of sec. 26, An. Code, 1912, descended to his nieces of the half and whole blood (his father, mother, brothers and sisters being dead). *Dudrow v. King*, 117 Md. 185 (decided prior to act 1912, ch. 92).

When property is held by purchase, and when by descent. Mediate and immediate inheritance. *Latrobe v. Carter*, 83 Md. 283; *Garner v. Wood*, 71 Md. 38; *Donnelly v. Turner*, 60 Md. 81; *Stewart v. Jones*, 8 G. & J. 30.

For a case construing words "by purchase" and other words as used in act of 1786, ch. 45, and holding that land held by descent from a brother, was not within *that act*, and hence descended as at common law, see *Hall v. Jacobs*, 4 H. & J. 245.

This section applied. *Phelps v. Phelps*, 17 Md. 133.

This section referred to in deciding that an estate passed to the mother under sec. 21, An. Code, 1912. *Donnelly v. Turner*, 60 Md. 85.

Cited but not construed in *Poultney v. Tiffany*, 112 Md. 633.

20. Persons can have no standing under sec. 21, An. Code, 1912, until all those included in this section and sec. 19, said Code, are extinct. *Hoffman v. Watson*, 109 Md. 552.